

IN RE: ZANTAC (RANITIDINE)
PRODUCTS LIABILITY
LITIGATION

MDL NO 2924
20-MD-2924

JUDGE ROBIN L ROSENBERG
MAGISTRATE JUDGE BRUCE REINHART

_____/

THIS DOCUMENT RELATES TO:

JURY TRIAL DEMANDED

DOUGLAS HALL, Individually and on
behalf of the Wrongful Death
Beneficiaries and Heirs-At-Law of
JOHNNY LORICK, Deceased

(Plaintiff Name(s))

SHORT-FORM COMPLAINT - VERSION 3

The Plaintiff(s) named below, by counsel, file(s) this Short Form Complaint against Defendants named below. Plaintiff(s) incorporate(s) by reference the allegations contained in the Second Amended Master Personal Injury Complaint ("SAMPIC") in *In re: Zantac (Ranitidine) Products Liability Litigation*, MDL No. 2924 (S.D. Fla). Plaintiff(s) file(s) this Short-Form Complaint - Version 3 as permitted by Pretrial Order 80 and the Court's Orders regarding motions to dismiss and specifically DE 3751 at 1, as outlined on page 1 of the SAMPIC.

Plaintiff(s) select(s) and indicate(s) by completing where requested, the Parties and Causes of Actions specific to this case. Where certain claims require additional pleading or case specific facts and individual information, Plaintiff(s) shall add and include them herein.

Plaintiff(s), by counsel, allege as follows:

I. PARTIES, JURISDICTION, AND VENUE

A. PLAINTIFF(S)

1. Plaintiff(s) Douglas Hall_____

("Plaintiff(s)") brings this action (check the applicable designation):

☐ On behalf of [*himself/herself*];

☒ In representative capacity as the Administrator, on behalf of the injured party, (Injured Party's Name) Johnny Lorick.

2. Injured Party is currently a resident and citizen of (City, State) _____ and claims damages as set forth below.

—OR—

Decedent died on (Month, Day, Year) 02/02/2021 00:00:00. At the time of Decedent's death, Decedent was a resident and citizen of (City, State) Dallas, NC.

If any party claims loss of consortium,

3. Douglas Hall ("Consortium Plaintiff") alleges damages for loss of consortium.
4. At the time of the filing of this Short Form Complaint, Consortium Plaintiff is a citizen and resident of (City, State) Dallas, NC.
5. At the time the alleged injury occurred, Consortium Plaintiff resided in (City, State) Dallas, NC.

B. DEFENDANT(S)

6. Plaintiff(s) name(s) the following Defendants from the Amended Master Personal Injury Complaint in this action:

a. Brand-Name Manufacturers from the SAMPIC:

GlaxoSmithKline (America) Inc; GlaxoSmithKline LLC; GlaxoSmithKline PLC; Boehringer Ingelheim Corporation; Boehringer Ingelheim International GmbH; Boehringer Ingelheim Pharmaceuticals, Inc.; Boehringer Ingelheim Promeco, S.A. de C.V.; Boehringer Ingelheim USA Corporation; Chattem, Inc.; Sanofi S.A.; Sanofi US Services Inc.; and Sanofi-Aventis U.S. LLC

b. Others Not Named in the SAMPIC:

C. JURISDICTION AND VENUE

7. Identify the Federal District Court in which Plaintiff(s) would have filed this action in the absence of Pretrial Order No. 11 (direct filing) [or, if applicable, the District Court to which their original action was removed]:

Western District of NC

8. Jurisdiction is proper upon diversity of citizenship.

II. PRODUCT USE

9. The Injured Party used Zantac and/or generic ranitidine: [*Check all that apply*]

☐ By prescription

☒ Over the counter

10. The Injured Party used Zantac and/or generic ranitidine from approximately (month, year) 01/01/2010 00:00: to 11/01/2019 00:00:.

III. PHYSICAL INJURY

11. As a result of the Injured Party's use of the medications specified above, [he/she] was diagnosed with the following specific type of cancer (check all that apply):

| Check all that apply | Cancer Type | Approximate Date of Diagnosis |
|-------------------------------------|------------------------------|-------------------------------|
| <input type="checkbox"/> | BLADDER CANCER | |
| <input type="checkbox"/> | BREAST CANCER | |
| <input type="checkbox"/> | COLORECTAL/INTESTINAL CANCER | |
| <input type="checkbox"/> | ESOPHAGEAL CANCER | |
| <input type="checkbox"/> | GASTRIC CANCER | |
| <input type="checkbox"/> | KIDNEY CANCER | |
| <input checked="" type="checkbox"/> | LIVER CANCER | 11/01/2019 00:00:00 |
| <input type="checkbox"/> | LUNG CANCER | |
| <input type="checkbox"/> | PANCREATIC CANCER | |
| <input type="checkbox"/> | PROSTATE CANCER | |
| <input type="checkbox"/> | OTHER CANCER: _____ | |
| <input checked="" type="checkbox"/> | DEATH (CAUSED BY CANCER) | 11/01/2019 00:00:00 |

12. Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff(s)

IV. CAUSES OF ACTION ASSERTED

13. The following Causes of Action asserted in the Amended Master Personal Injury Complaint are asserted against Defendants, and the allegations with regard thereto are adopted in this Short Form Complaint by reference.
14. By checking the appropriate causes of action below, Plaintiff(s) assert these causes of action based upon the law and applicable Sub-Counts of the following state(s):¹
-

¹ In selecting the relevant states above, Plaintiffs reserve all rights to argue choice of law issues at a later time.

| Check all that apply | Count | Cause of Action | States for which the cause of action was asserted in the SAMPIC |
|-------------------------------------|-------|--|--|
| <input type="checkbox"/> | I | Strict Products Liability – Failure to Warn through Warnings and Precautions | All States and Territories, Except DE, IA, MA, NC, PA, and VA |
| <input checked="" type="checkbox"/> | II | Negligence – Failure to Warn through Warnings and Precautions | All States and Territories, Except LA, NJ, OH, and WA |
| <input type="checkbox"/> | III | Strict Products Liability – Failure to Warn through Proper Expiration Dates | All States and Territories, Except DE, IA, MA, NC, PA, and VA |
| <input checked="" type="checkbox"/> | IV | Negligence – Failure to Warn through Proper Expiration Dates | All States and Territories, Except LA, NJ, OH, and WA |
| <input type="checkbox"/> | V | Strict Products Liability – Design Defect Due to Warnings and Precautions | All States and Territories, Except DE, IA, MA, NC, PA, and VA |
| <input type="checkbox"/> | VI | Strict Products Liability – Design Defect Due to Improper Expiration Dates | All States and Territories, Except DE, IA, MA, NC, PA, and VA |
| <input type="checkbox"/> | VII | Negligent Failure to Test | KS, TX |
| <input checked="" type="checkbox"/> | VIII | Negligent Product Containers: (Against all Defendants who manufactured and sold pills ²) | All States and Territories |
| <input checked="" type="checkbox"/> | IX | Negligent Storage and Transportation | All States and Territories |
| <input checked="" type="checkbox"/> | X | Unjust Enrichment (Against All Defendants) | All States and Territories |
| <input checked="" type="checkbox"/> | XI | Loss of Consortium (Against All Defendants) | All States and Territories |
| <input checked="" type="checkbox"/> | XII | Survival Actions | All States and Territories |
| <input checked="" type="checkbox"/> | XIII | Wrongful Death | All States and Territories |

² This Count applies only to pills, not ranitidine-containing products in the form of syrups or injections.

15. In addition to the counts above, Plaintiff(s) hereby allege(s) all of the causes of action and facts supporting them alleged in the Amended Master Personal Injury Complaint (AMPIC), D.E. 3887, and the Master Personal Injury Complaint (MPIC), D.E. 887, that are alleged against the above-listed Defendants. These additional counts are incorporated by reference as if fully stated herein. By incorporating each claim from each master pleading, Plaintiff(s) preserve all rights to challenge previously entered orders from the Court.
16. In addition to the claims listed above, Plaintiff(s) assert claims of Negligent Misrepresentation and Reckless Misrepresentation against Brand-Name Manufacturers. In support of these claims, Plaintiff(s) allege the allegations in the AMPIC in support of Counts XII and XIII as well as the following additional jurisdictional facts: Brand Defendants sold, advertised, and marketed Zantac in Plaintiff(s)' home state.

V. JURY DEMAND

17. Plaintiff(s) hereby demand(s) a trial by jury as to all claims in this action.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) has/have been damaged as a result of Defendants' actions or inactions and demand(s) judgment against Defendants on each of the above-referenced causes of action, jointly and severally to the full extent available in law or equity, as requested in the Amended Master Personal Injury Complaint.

Signature Block: /s/ T. Roe Frazer II
T. Roe Frazer II
FRAZER PLC
30 Burton Hills Blvd, Ste 450
Nashville TN 37215
T: 615.647.6464
roe@frazer.law